

**FRANKLIN COUNTY
APPLICATION FOR APPEAL
(Type or Print)**

I/We, Kenneth Bousman, hereby appeal to the Franklin County Board of Zoning Appeals for relief from the following order, requirement, decision or determination of the Franklin County Zoning Administrator, as hereinafter described:

1. Appellant's Name: Kenneth Lee Bousman
2. Appellant's Address: 2871 Byrds Mill Road, Glade Hill, VA 24092
3. Appellant's Phone Number: (540) 420-3083
4. Property Owner's Name: Kenneth L. Bousman, Bonnie B. Turner, James H. Bousman
5. Property Address: 2871 Byrds Mill Road, Glade Hill, VA 24092
6. Exact Directions to Property from Rocky Mount: 9 miles East of Rocky Mount, VA
on Route 40, Right on Byrds Mill Road. #2871
7. Tax Map and Parcel Number: #65, Parcel #95
8. Magisterial District: Union Hall
9. Additional Property Information:
 - A. Size of Property (acres or square footage): Farm Acreage 168 acres; Graveyard 7 acres
 - B. Existing Zoning: 7 acres
 - C. Existing Land Use: A-1 Farm, Auto Graveyard on 7 acres
 - D. Proposed Land Use, if applicable: —
10. Appeal Information:
 - A. Zoning Ordinance Section (s) being appealed:
Industrial (M-2)
Clarification of Special Use Permit Conditions
 - B. Grounds for Appeal:
Industrial (M-2) is excessive for scope of activity -
Auto Graveyard with 60 vehicles.

(Zoning Code section must be correct and all applicable code sections included in request.)

Please attach written decision of Zoning Administrator and a letter specifying any additional details of the matter and grounds for appeal to this form.

Checklist for completed items:

- ☒ Application Form
- ☒ Letter of Application
- ☒ List of Adjoining Property Owners and Addresses
- ☐ Concept Plan - *Not Required per S. Sandy*
- ☒ Application Fee

I certify that this application for a variance and the information submitted herein is correct and accurate.

Appellant's Name (Print): Kenneth L. Bousman

Signature of Appellant: Kenneth L. Bousman

Date: 1-14-16

Mailing Address: 2871 Byrds Mill Road
Glade Hill, VA 24092

Telephone: (540) 420-3083

Owner's consent, if appellant is not property owner:

Owner: James H. Bousman

Signature: James H. Bousman

Date: 1-14-16

Owner's Name (Print): Kenneth L. Bousman

Signature of Owner: Kenneth L. Bousman

Date: 1-14-16

Owner: Bonnie B. Turner

Signature: Bonnie B. Turner

Date: 1-14-16

Date Received by Planning Staff: _____

Time: _____

Clerk's Initials: _____

CHECK #: _____

RECPT. #: _____

AMOUNT: _____

Kenneth L. Bousman
2871 Byrds Mill Road
Glade Hill, VA 24092
January 12, 2016

Mr. Steven M. Sandy, AICP, CZA
Zoning Administrator
Director of Planning and Community Development
1255 Franklin Street, Suite 103
Rocky Mount, VA 24151

RE: Special Use Permit for Automobile Graveyard dated October 24, 2006
(Case #U-06-05-02) Tax Map # 65 Parcel #95

Dear Mr. Sandy:

In response to your letter of December 15, 2015 regarding your determination that I must apply for rezoning to Industrial (M-2) with special use permits for the salvage and demolishing activities related to vehicles, I request an appeal with the Board of Zoning Appeals.

A Special Use Permit for the purpose of an automobile graveyard was approved October 24, 2006 by the Board of Supervisors. I would like to continue with the Special Use Permit, however, I need clarification from the Board of Zoning Appeals as to the extent Special Use Conditions restricts recycling of vehicles and parts.

I am a former tobacco farmer who has limited income from the farm, and a portion of my income is derived from the recycling of inoperable vehicles. At this time scrap metal prices are low \$3.00/100 or less vs. \$10-\$12.00/100 in 2006. The current value of the vehicles in the graveyard is in hard-to-find parts.

I believe that rezoning to Industrial (M-2) is excessive for my situation. I have fewer than 60 vehicles in the auto graveyard.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kenneth L. Bousman".

Kenneth L. Bousman

NOTES

- THIS SITE PLAN SHOWS CURRENT USE AND DOES NOT DEPICT ANY CURRENT OR FUTURE DEVELOPMENT.
- EXISTING FENCE BUFFER IS SHOWN ESTABLISHED IN ACCORDANCE WITH SPECIAL CONDITIONS SET FORTH BY SPECIAL USE PERMIT (SMP #85-95).
- HOURS OF OPERATION ARE DURING DAYLIGHT HOURS ONLY.
- EMERGENCY VEHICLE ACCESS MUST BE PROVIDED AT ALL TIMES.
- SHALL ANY FUTURE DEVELOPMENT OR LAND DISTURBANCE OCCUR THE FOLLOWING SHALL APPLY:
 - THE CONTRACTOR WILL OBTAIN A LAND DISTURBANCE PERMIT PRIOR TO ANY FUTURE SITE WORK OR CONSTRUCTION.
 - ANY FUTURE CONSTRUCTION SHALL BE DONE FOLLOWING THE LAWS AND ORDINANCES SET FORTH BY STATE AND LOCAL AGENCIES.
 - ALL APPLICABLE STATE AND LOCAL AGENCY REQUIREMENTS MUST BE MET, INCLUDING BUT NOT LIMITED TO SUBMITTING AN UPDATED SITE/DESIGN AND SOILS CONTROL PLAN TO THE FRANKLIN COUNTY PLANNING AND ZONING OFFICE FOR APPROVAL.

SPECIAL USE PERMIT CONDITIONS

- ALL RELATED ACTIVITIES AS EXPRESSED IN THE CONDITIONS, IS ISSUED FOR THE SOLE USE OF KENNETH LEE BOUSMAN AND IS NOT TRANSFERABLE TO ANY OTHER PARTY(IES). ALL VEHICLES SHALL BE REMOVED AT THE TIME THE PERMITS CLOSES.
- THE APPLICANT SHALL PROVIDE NATURAL SCREENING ALONG THE PROPERTY ADJACENT TO BYRDS MILL ROAD IN THE FORM OF EVERGREEN TREES PLANTED ON BOTH FENCE CENTERS.
- ALL FLUIDS AND MATERIALS ASSOCIATED WITH THE AUTO GRAVEYARD WILL BE DISPOSED OF IN AN APPROPRIATE MANNER. FLUID WILL BE COLLECTED PRIOR TO STORAGE.
- THE STAGING OF VEHICLES ON TOP OF EACH OTHER WILL BE STRICTLY PROHIBITED.
- SALVAGE, REBUILDING AND/OR DEMOLISHING AS WELL AS SALES, SERVICE AND/OR VEHICLE REPAIR BUSINESSES WILL BE PROHIBITED. THE AUTO GRAVEYARD WILL BE FOR THE USE OF THE APPLICANT AND VEHICLE WRECKERS MAY NOT EXCEED 750 VEHICLES.
- THE APPLICANT SHALL MAINTAIN THE AUTO GRAVEYARD WITHIN THE USE AREA AND SHALL RELOCATE VEHICLES ELSEWHERE ON THE PROPERTY TO THIS AREA.
- VEHICLE BATTERIES SHALL BE REMOVED PRIOR TO STORAGE WITHIN THE USE AREA. FURTHERMORE, BATTERY STORAGE SHALL BE PROHIBITED.
- THE USE AREA SHALL BE KEPT CLEAN AND CLEAR OF ALL RUBBISH OR WASTE MATTER.
- A SITE PLAN SHALL BE SUBMITTED AND APPROVED PRIOR TO ANY ACTIVITY WITHIN THE USE AREA.
- NO TIRES OR AUTO PARTS SHALL BE STORED WITHIN THE USE AREA EXCEPT FOR THOSE APPROVED TO OR STORED WITHIN PERMITTED VEHICLES.
- THE APPLICANT SHALL ADHERE TO THE COMPLIANCE ASSISTANCE GUIDE AS PROVIDED TO THE APPLICANT BY THE VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY DATED AUGUST 2006. A COPY OF WHICH IS ON FILE IN THE PLANNING AND ZONING DEVELOPMENT DEPARTMENT.

KENNETH LEE BOUSMAN
BONNIE SUE BOUSMAN TURNER
JAMES HENRY BOUSMAN
D.B. 502, PG. 246
TAX MAP #85-95
ZONED A-1

EXISTING AUTOMOBILE GRAVEYARD
SITE #1

KENNETH LEE BOUSMAN
BONNIE SUE BOUSMAN TURNER
JAMES HENRY BOUSMAN
D.B. 502, PG. 246
TAX MAP #85-95
ZONED A-1
+/- 168.369 ACRES

APPROVED

Franklin County
Planning & Zoning

APPROVAL

VICINITY MAP
NO SCALE

KENNETH LEE BOUSMAN
BONNIE SUE BOUSMAN TURNER
JAMES HENRY BOUSMAN
D.B. 502, PG. 246
TAX MAP #85-95
ZONED A-1

+/- 4.0 ACRES
KENNETH LEE BOUSMAN
D.B. 502, PG. 246
TAX MAP #85-95.1
ZONED A-1

KENNETH LEE BOUSMAN
BONNIE SUE BOUSMAN TURNER
JAMES HENRY BOUSMAN
D.B. 502, PG. 246
TAX MAP #85-95
ZONED A-1

OVERVIEW
SCALE: 1" = 200'

EXISTING WOOD
EXISTING BUILDING
EXISTING AUTOGRVEYARD STORAGE



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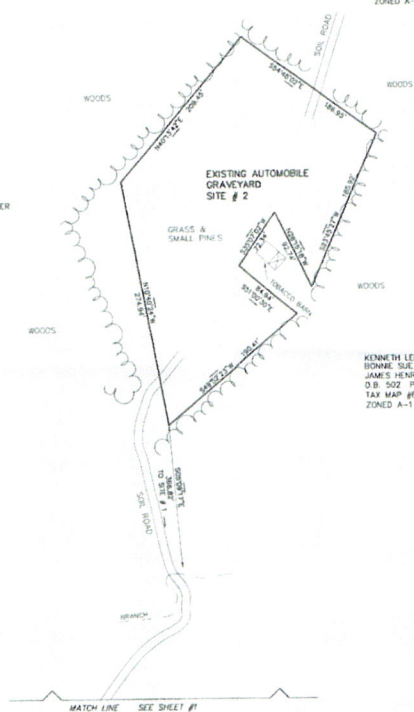
SITE PLAN FOR KENNETH BOUSMAN
EXISTING AUTOMOBILE GRAVEYARD
UNION HALL MAGISTERIAL DISTRICT
FRANKLIN COUNTY, VIRGINIA

DABRIEL ROBERTSON, S.C.
SCALE: 1" = 50 FT
DATE: JUNE 1, 2007
SHEET NO. 1
OF 2

KENNETH LEE BOUSMAN
 BONNIE SUE BOUSMAN TURNER
 JAMES HENRY BOUSMAN
 D.B. 502 PG. 246
 TAX MAP #65-95
 ZONED A-1
 +/- 168.369 ACRES

KENNETH LEE BOUSMAN
 BONNIE SUE BOUSMAN TURNER
 JAMES HENRY BOUSMAN
 D.B. 502 PG. 246
 TAX MAP #65-95
 ZONED A-1

KENNETH LEE BOUSMAN
 BONNIE SUE BOUSMAN TURNER
 JAMES HENRY BOUSMAN
 D.B. 502 PG. 246
 TAX MAP #65-95
 ZONED A-1



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SITE PLAN FOR KENNETH BOUSMAN
 EXISTING AUTOMOBILE GRAVEYARD
 UNION HALL MAGISTERIAL DISTRICT
 FRANKLIN COUNTY, VIRGINIA

GABRIEL ROBERTSON, P.C.	SCALE: 1" = 50 FT	COMPILED BY: J. J. J.
LAND SURVEYING & ENGINEERING	DATE: JUNE 5, 2007	SHEET NO. 2
400 NORTH DOWNS, #2		
PO BOX 10147, JORDON, VA 22750		
PHONE: 800-833-7222		
FAX: 800-833-7222		

Department of Planning & Community Development



December 15, 2015

Kenneth Bousman
2871 Byrds Mills Road
Glade Hill, VA 24092

RE: Special Use Permit for Automobile Graveyard dated October 24, 2006 (Case #U-06-05-02)
Tax Map # 65 Parcel #95

Dear Mr. Bousman:

This office received a request for approval of demolisher and salvage license from VA Division of Motor Vehicles (DMV). Following this request, Tina Franklin and I met you on site to discuss this request. I have researched the zoning files relative to the above site including the special use permit issued on October 24, 2006 (see attached). This special use permit authorized the use of the property for an Automobile Graveyard in the Agriculture district (A-1). Condition #5 of the special use permit reads as follows: "Salvage, rebuilding and/or demolishing as well as sales, service and/or vehicle repair businesses will be prohibited. The auto graveyard will be for the use of the applicant and vehicle inventory may not exceed 250 vehicles." In my opinion, this condition specifically eliminates the use of the property for salvage and demolition. You have requested a license from DMV to allow this use for which DMV has requested Franklin County indicate compliance with local zoning regulations. Due to the constraints of condition #5 of the special use permit, it is my determination that I cannot sign this form because this activity is a prohibited use of this property.

Furthermore, you have requested that I consider your activity on this property as a non-conforming use thereby allowing salvage and demolishing activities to continue on site. Section 25-161(d) of Franklin County Code states that "Whenever any such use, activity or structure is changed to a conforming or a more restricted non-conforming use, activity or structure, the original use shall be deemed abandoned." Therefore, it is my determination that the non-conforming use of the property was abandoned when the special use permit for the use was issued on October 24, 2006.

Furthermore, salvage yards, junkyards and demolisher are all uses that require Industrial (M-2) District zoning with a special use permit. If you should desire to perform salvage and demolishing activities of vehicles on this property it is my determination that you must apply for rezoning to Industrial (M-2) with special use permits for those uses. The Board of Supervisors must approve the request to rezone and requested special use permits after proper notification to adjoining property owners and advertised public hearings. The application fee for rezoning is currently \$250.00 plus \$5.00/acre. The current application fee for a special use permit is also \$250.00 plus \$5.00/acre. If you would like to discuss this process in more detail or receive a copy of the application materials please feel free to contact me at (540) 483-3027.

You may appeal this decision(s) by filing a written appeal with the Board of Zoning Appeals within thirty (30) days of receipt. If no appeal is filed within thirty (30) days, this determination shall be final and not appealable. The current fee to appeal this determination and appear before the Board of Zoning Appeals is \$200.00.

Sincerely,

Steven M. Sandy, AICP, CZA
Zoning Administrator
Director of Planning & Community Development

Enc.

SMS/lac

1255 Franklin Street, Suite 103, Rocky Mount, Virginia 24151

STATE OF VIRGINIA:
BEFORE THE BOARD OF SUPERVISORS OF FRANKLIN COUNTY

A +/- 7.000 acre parcel of land, a portion) **FINAL ORDER**
of +/- 168 acres, located on State Route)
876, Byrds Mill Road, in the Union Hall)
Magisterial District of Franklin County,)
recorded as a portion of Tax Map # 65,)
Parcel # 95, in the Franklin County Real)
Estate Tax Records.)

TO THE HONORABLE SUPERVISORS OF FRANKLIN COUNTY:

WHEREAS, the Petitioner, **Kenneth Lee Bousman, as Petitioner, and Owners Bonnie Sue Bousman Turner, Kenneth Lee Bousman, and James Henry Bousman,** did petition the Franklin County Board of Supervisors to obtain a Special Use Permit for the purpose of an automobile graveyard for property currently zoned A-1, Agricultural District, a portion of +/- 168 acres, consisting of +/- 7.000 acres.

WHEREAS, after due legal notice as required by Section 15.2-2204, and 15.2-2205, of the Code of Virginia of 1950, as amended, the Planning Commission did hold a public hearing on May 9, 2006 at which time all parties in interest were given an opportunity to be heard; and

WHEREAS, after full consideration at the public hearing held on October 24, 2006, the Franklin County Board of Supervisors determined that the Special Use Permit Request be **GRANTED with the attached conditions, as amended:**

Special Use Permit Conditions:

1. This Special Use Permit, and all related activities as expressed in the conditions, is issued for the sole use of Kenneth Lee Bousman and is not transferable to any other party(ies). All vehicles shall be removed at the time the operation ceases.
2. The Applicant shall provide natural screening along the property adjacent to Byrds Mill Road, in the form of evergreen trees planted on eight (8) foot centers.
3. All fluids and materials associated with the auto graveyard will be disposed of in an appropriate manner. Fluid will be collected prior to storage.
4. The stacking of vehicles on top of each other will be strictly prohibited.

5. Salvage, rebuilding and/or demolishing as well as sales, service and/or vehicle repair businesses will be prohibited. The auto graveyard will be for the use of the applicant and vehicle inventory may not exceed 250 vehicles.

6. The Applicant shall maintain the auto graveyard within the use area and shall relocate vehicles elsewhere on the property to this area.

7. Vehicle batteries shall be removed prior to storage within the use area. Furthermore, battery storage shall be prohibited.

8. The use area shall be kept clear and clean of all rubbish or waste matter.

9. A site plan shall be submitted and approved prior to any activity within the use area.

10. No tires or auto parts shall be stored within the use area except for those attached to or stored within permitted vehicles.

11. The Applicant shall adhere to the Compliance Assistance Guide as provided to the applicant by the Virginia Department of Environmental Quality dated August 2006, a copy of which is on file in the Planning and Community Development Department.

NOW, THEREFORE BE IT ORDERED that the aforementioned parcel of land, which is contained in the Franklin County Tax Records as Tax Map # 65, Parcel # 95, Deed Book 695, Page 1211, be granted the Special Use Permit for the purpose of an automobile graveyard for property currently zoned A-1, Agricultural District, a portion of +/- 168 acres, consisting of +/- 7.000 acres.

BE IT FURTHER ORDERED that a copy of this order be transmitted to the Secretary of the Planning Commission and that she be directed to reflect this change on the official zoning map of Franklin County.

ADOPTED on motion of Supervisor Mr. Charles Poindexter, seconded by Supervisor Mr. Leland Mitchell, upon the following recorded vote:

AYES: Angell, Hurt, Johnson, Mitchell, Poindexter, Quinn, Wagner

NAYES:

ABSENT:

ABSTAIN:

Patricia H. Jolley Clerk
Planning Commission Clerk, for the
Franklin County Board of Supervisors

November 6, 2006 Date

ADJACENT PROPERTY OWNERS

Adjacent property owners are mailed a notice of the request. Please provide each owner's name and mailing address plus zip code for every property adjacent to the site and directly across from any public right-of-way adjoining the site. Names and addresses are available in the County Real Estate office in the Courthouse.

NAME: Thomas B. + Annette Board ADDRESS: 280 Horse Hollow Lane
TAX MAP NUMBER: 065 000 9701 Glade Hill, VA 24092
065 000 9701 A

NAME: Avis B. Beard ADDRESS: 6052 Old Franklin Turnpike
TAX MAP NUMBER: 065 000 9700 Glade Hill, VA 24092

NAME: Herbert + Sheila Pritchett ADDRESS: 106 Dori Drive
TAX MAP NUMBER: 065 001 0702 Bassett, VA 24055

NAME: Johnnie + Wendy Smith ADDRESS: 4717 Old Franklin Turnpike
TAX MAP NUMBER: 065 03 001 00 Glade Hill, VA 24092

NAME: Swanson A. Thurman ADDRESS: 724 Byrds Mill Road
TAX MAP NUMBER: 065 001 2200 Glade Hill, VA 24092

NAME: Kim Allen + Cindy W. Thurman ADDRESS: 939 Byrds Mill Road
TAX MAP NUMBER: 065 001 3701 Glade Hill, VA 24092

NAME: _____ ADDRESS: _____

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